

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Claim 25 has been objected to because of a typographical error. This error has been corrected by means of the present amendment.

Claims 17-28 have been rejected under 35 U.S.C. 112, first paragraph as purportedly failing to comply with the written description requirement. The Examiner submits that the claim limitation requiring rotation about the longitudinal axis cannot be found in the specification. Applicant respectfully traverses this ground of rejection. While it should be clear from the language of the specification that rotation of the stent during immersion and withdrawal refers to rotation about its longitudinal axis, there is no question that the depiction of the rotation in Figure 4, specifically the rotation arrow 176, is rotation about the longitudinal axis. It is respectfully requested that this ground of rejection be withdrawn.

Claims 17-22 and 24-28 have been rejected under 35 U.S.C.103 (a) as being unpatentable over Hossainy. This ground of rejection is respectfully traversed. Applicant has amended claim 17 to incorporate the rotation speeds during immersion and withdrawal previously in canceled claims 23 and 27, respectively. As pointed out in previous amendments in this case, Hossainy teaches immersing a stent in a coating liquid and centrifuging it. Such a process involves rotation of the centrifuge tubes containing the stents about a central axis of the centrifuge and does not involve rotation about the longitudinal axis of the stents (or individual centrifuge tubes). The Examiner has stated that even slight rotation of the stents in Hossainy would meet the requirements of claim 17. Without agreeing with this proposition, Applicant has now included specific rotation speeds in amended claim 17, thereby obviating this ground of rejection. Applicant respectfully requests that this rejection be withdrawn.

Claims 17-28 have been rejected under 35 U.S.C. 103(a) over WO 01/52772. Applicant respectfully traverses this ground of rejection. The Examiner submits that this reference teaches rotation of a stent during both immersion and withdrawal of the stent from the coating liquid and that even slight rotation during immersion would meet the limitations of claim 17. A close reading of the '772 reference clearly shows that the rotation occurs only upon withdrawal of the stent, not upon immersion. See Example 2 where, even though the stent is on a mandrel attached to a rotary tool, the tool was not used to spin the stent-mandrel assembly until after removal from the reservoir and

insertion into a shield. Even if slight, inadvertent, rotation occurred during immersion, this would not meet the requirement of amended claim 17, which requires immersion while rotating at about 100-3,500 rpm. Accordingly, Applicant requests that this rejection be withdrawn.

Claim 23 has been rejected under 35 U.S.C. 103(a) over Hossainy in view of '772. Cancellation of claim 23 renders moot this ground of rejection.

Claims 17-28 have been provisionally rejected based on nonstatutory obviousness-type double patenting over claims 11-20 and 22-23 of copending Application No. 10/413827. Applicant acknowledges this provisional rejection and submits that it is premature to respond inasmuch as neither the instant application nor the cited application has issued and the exact claims that may issue are unknown at this point. Should the '827 application issue into a patent during the pendency of the instant case, any issue of obviousness-type double patenting can be dealt with at that time.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

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